

Message Text

UNCLASSIFIED

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62

ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 H-02 SCA-01 L-02 EB-06 DOTE-00

CG-00 JUSE-00 DODE-00 /022 W
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P 311510Z OCT 74

FM AMCONSUL MARTINIQUE

TO SECSTATE WASHDC PRIORITY 1693

COGARD COMGANTS SAN JUAN PRIORITY

INFO AMEMBASSY PANAMA

UNCLAS MARTINIQUE 0371

E.O. 11652: N/A

TAGS: CGEN (VESSEL FLYING CLOUD)

REF: MARTINIQUE'S 0367 AND PREVIOUS

1. AN EXAMINING MAGISTRATE OF TRIBUNAL DE GRANDE INSTANCE PRESENTED CONSULATE OCT 31 FOLLOWING LETTER DTD OCT 31, 1974, CONCERNING THE ALLEGED THEFT HERE OF THE SAILING VESSEL FLYING CLOUD OVER WEEKEND OCTOBER 26-27. CONSUL AGREED TO TRANSMIT THE TEXT WITHOUT COMMENT ABOUT ANY ACTION US AUTHORITIES MIGHT TAKE IN MATTER, POINTING OUT THAT FLYING CLOUD IS UNDER FOREIGN REGISTRY AND AS MUCH NOT MATTER OF CONCERN TO USG. IN COURSE OF CONVERSATION, EXAMINING MAGISTRATE (CHAIX) NOTED THAT THE FLYING CLOUD CASE IS A COMPLICATED LEGAL PROBLEM AND HE IS NOT CERTAIN WHAT FURTHER STEPS, IF ANY, FRENCH AUTHORITIES MIGHT TAKE AGAINST US CIT FERTIG OR TOWARDS RECOVERY OF VESSEL.

2. BEGIN TEXT (INFORMAL TRANSLATION) QUOTE FOLLOWING OUR TELEPHONE CONVERSATION THIS AFTERNOON I HAVE THE HONOR TO INFORM YOU THAT I HAVE BEFORE ME A LEGAL PROCESS AGAINST ONE ARTHUR FERTIG, BORN 27 DECEMBER, 1921, TRAVEL AGENT, DOMICILED AT 300 PARK AVENUE, NEW YORK CITY, FOR MISAPPROPRIATION OF A SHIP, A CONSEQUENCE OF THE DISAPPEARANCE OF THE SAILING VESSEL FLYING CLOUD, WHICH WAS THE SUBJECT OF A JUDGMENT OF THE TRIBUNAL OF GRANDE INSTANCE OF FORT DE FRANCE, ON MARCH 18,74. MR FERTIG HAD BEEN NAMED THE LEGAL GUARDIAN OF THE SHIP AND

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HE SUCCEEDED IN DEPARTING FROM FORT DE FRANCE SUNDAY 27 OCTOBER 74

3. RECENTLY WE OBTAINED INFORMATION THAT THE PANAMANIAN REGISTERED IS NOW IN THE PORT FREDERIKSTAD, ST CROIX, IN AMERICAN TERRITORY.

4. I HAVE THE HONOR TO INFORM YOU THAT MISAPPROPRIATION OF A VESSEL BY A CAPTAIN IS PUNISHABLE UNDER ARTICLE 47 OF THE LAW OF THE 17 DECEMBER 1926 WHICH SETS FORTH DISCIPLINARY REGULATIONS AND PENAL REGULATIONS OF THE FRENCH MERCHANT MARINE AND THAT THIS ARTICLE CALLS FOR CRIMINAL PENALTIES OF 5 TO 6 YEARS INCARCERATION.

5. IF FRENCH JUDICIARY AUTHORITIES CANNOT OBTAIN THE TRANSFER OF FERTIG, HE WILL BE JUDGED FOR WILLFULL COMTEMPT OF COURT(LA PROCEDURE DE CONTUMACE) UNDER ARTICLES 627, ETC. OF THE CODE OF PENAL PROCEDURES.

6. I HAVE THE HONOR BY THIS LETTER TO REQUEST YOU TO CONTACT JUDICIARY AUTHORITIES OF ST CROIX OR OF THE UNITED STATES SO THAT AN INJUNCTION AGAINST USE (SAISIE CONSERVATOIRE) BE IMMEDIATELY TAKEN WITH RESPECT TO THE FLYING CLOUD. IT WOULD BE EQUALLY DESIRABLE THAT FERTIG BE OFFICIALLY ADVISED OF THE PROCEDURES UNDERTAKEN AGAINST HIM BY FRENCH LEGAL AUTHORITIES IN MARTINIQUE. END UNQUOTE.

7. CONGRESSMAN MURPHY INTERESTED.
SHACKLETON

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